

MS#183302.1 (4966)  
PATENT**REMARKS**

Applicants thank the Examiner for the courtesy of telephone interviews on November 3, 2004 and November 10, 2004. During the November 3, 2004 interview, Applicants' representative James J. Barta, Jr. generally discussed patentability of the claims including a draft of a proposed amendment to claim 1 in view of one of the cited references, Copperman et al, U.S. Pub. No. 2003/0115191 ("Copperman publication"). No agreement was reached, no exhibit was shown, and no demonstration was conducted. During the November 10, 2004 interview, Applicants' representative James J. Barta, Jr. generally discussed a draft of another proposed amendment to claim 1 with specific reference to FIGS. 3A and 3B. In addition, Applicants' representative distinguished the Copperman publication from draft claim 1. No agreement was reached, no exhibit was shown, and no demonstration was conducted. The Examiner suggested that a Request for Continued Examination may be necessary for the proposed claim amendments to be entered.

Applicants have thoroughly considered the Examiner's remarks in the October 8, 2004 Office action and during November 3, 2004 and November 10, 2004 interviews and present claims 1-31 for further examination. Claims 1, 14, 19, 24, and 28-30 have been amended by this Amendment B. The amendments do not introduce new issues and are believed to place the claims in condition for allowance. Reconsideration of the application as presented and in view of the following remarks is respectfully requested.

***Claim Rejection under 35 U.S.C. § 102***

Claims 1-31 were rejected under 35 U.S.C. § 102(e) as being anticipated by Copperman et al. (U.S. Pub. No. 2003/0115191). Applicants respectfully argue that the Copperman publication does not anticipate the claims of the present application as amended.

The Copperman publication discloses a predefined organizational structure that attempts *to steer or guide a user* through a preferred or a weighted path to desired content. In particular, the Copperman publication discloses assisting "... a user in navigating through a content base to desired content. [A] content base [is] organized by a knowledge map made up of multiple taxonomies to map a user query to desired content." (Copperman publication, paragraph 36). In

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addition, FIG. 2 of the Copperman publication illustrates that "documents or other pieces of content (referred to as knowledge containers 201) are mapped by appropriately-weighted tags 202 to concept nodes 205 in multiple taxonomies 210 (i.e. classification system)" (*Id.* at paragraph 37).

In contrast, the present invention as illustrated, for example, by the amended claim 1 identifies "an ordered path of web pages  $P_1$  to  $P_N$  as the web pages are successively viewed by a user." That is, the present invention is not a navigational aid and does not attempt to guide or steer a user to a specific content or document. Further, the identified, ordered path of web pages is not pre-arranged or pre-determined by the present invention and is not organized to steer or guide a user to a particular or desired web page/content as taught by the Copperman publication.

The present invention further extracts "a list of stored paths from each of the tree structures, each of the stored paths in the extracted list representing the web pages successively viewed by users from the root node  $P_i$  to each end node  $P_{i+x}$  as a function of the specified depth criterion." As such, Applicants argue that the Copperman publication does not anticipate, nor does it render obvious, the present invention as amended. Therefore, the rejection of claims 1-31 should be withdrawn.

The Examiner also notes that dependent claims 3, 4, 5, 6, and 28 are indefinite. "[I]t is well settled that the language of the claims, read in light of the specification is to be considered when determining whether the claims are definite." Allen Archery Inc. v. Browning Mfg. Co., 819 F.2d 1087, 2 USPQ2d 1490, 1494 (Fed. Cir. 1987). "The definiteness of the language employed must be analyzed not in a vacuum, but in light of the teachings of the prior art and of the particular application disclosure as it would be interpreted by one possessing the ordinary level of skill in the pertinent art." In re Anstadt, 537 F.2d 498, 190 USPQ 214, 217 (C.C.P.A 1976). "The primary purpose of the definiteness requirement is to ensure that the claims are written in such a way that they give notice to the public of the extent of the legal protection afforded by the patent, so that interested members of the public, e.g., competitors of the patent owner, can determine whether or not they infringe." All Dental Prodx, LLC v. Advantage Dental Products, Inc., 309 F.3d 774, 779-780 (CAFC 2002).

Applicants submit that pages 7 and 8 of the specification of the present invention adequately define terms such as "width criterion," "absolute frequency," and "retention rate" as used in claims 3, 5, and 6. Similarly, lines 18-19 in the specification on page 9 define the term

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"depth criterion" as used in claim 28. As such, by reading the claims in light of the specification of the present invention, a person having ordinary skills in the art would not regard these terms as indefinite. "The law is clear that if the claims, read in the light of the specification, reasonably apprise those skilled in the art both of the utilization and scope of the invention, and if the language as precise as the subject matter permits, the courts can demand no more." North Am. Vaccine, Inc. v. American Cyanamid Co., 7 F.3d 1571, 28 USPQ2d 1333, 1339 (Fed. Cir. 1993). Therefore, Applicants respectfully request that the rejection to claims 3, 4, 5, 6, and 28 based on indefiniteness be withdrawn.

In light of the foregoing, Applicants submit the cited art fails to teach or suggest each and every element of the independent claims 1, 14, 19, 24, 26, and 28 and, thus, the rejection of these claims must be withdrawn. Further, the dependent claims that depend from these independent claims individually recite features, which in combination with the features of the independent claims, are also patentable. Therefore, rejections of these dependent claims should also be withdrawn.

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PATENT**SUMMARY & CONCLUDING REMARKS**

Applicants submit that the present invention is distinguishable over the cited references, including the Copperman publication. Thus, claims 1-31 are patentable and removal of the rejections of claims 1-31 is respectfully requested.

It is felt that a full and complete response has been made to the Final Office action and, as such, Applicants respectfully submit that claims 1-31 are in condition for allowance. Such allowance is respectfully requested. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,



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